

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Morris Reichlin and Eugen Koren

Serial No: 09/768,155

Art Unit: 1644

Filed: January 23, 2001

Examiner: R. B. Schwadron

For: *METHOD FOR TREATMENT OF SLE*Commissioner of Patents and Trademarks  
Washington, D.C. 20231**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER AN ISSUED PATENT**

Sir:

Petitioner, Oklahoma Medical Research Foundation, is the owner of the entire interest in the above-identified application and U.S. Patent No. 6,342,218, issued January 29, 2002, as evidenced by the accompanying Certificates under 37 C.F.R. § 3.73(b). Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173 as shortened by any terminal disclaimer filed prior to the grant of U.S. Patent No. 6,342,218, issued on January 29, 2002. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,342,218 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full

statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent No. 6,342,218 as

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U.S.N. 09/768,155  
Filed: January 23, 2001  
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PROVISIONAL DOUBLE PATENTING REJECTION  
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shortened by any terminal disclaimer filed prior to the patent grant, in the event that U.S. Patent No. 6,342,218: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned (whose title is supplied below) is empowered to act on behalf of Oklahoma Medical Research Foundation.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

OKLAHOMA MEDICAL RESEARCH FOUNDATION

By: 

Name: M. D. Morgan

Title: Vice President Business  
operation

Date: 5/28/03

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Morris Reichlin and Eugen KorenApplication No./Patent No.: 09/768,155Filed/Issue Date: January 23, 2001Entitled: Method for Treatment of SLEOklahoma Medical Research Foundation, a corporation of the State of Oklahoma

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
 2. ☐ an assignee of less than the entire right, title and interest.  
 The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventors of U.S. Serial No. 08/800,682 filed February 14, 1997, of which the patent application identified above is a continuation. The assignment was recorded in the United States Patent and Trademark Office at Reel 8468, Frame 0860.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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 (NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.06)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

April 9, 2003  
 Date

Larry J. Kennedy  
 Typed or printed name  
[Signature]  
 Signature  
Vice President Technology Transfer  
 Title

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## STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Morris Reichlin and Eugen Koren  
 Application No./Patent No.: 08/800,682 Filed/Issue Date: February 14, 1997  
 Entitled: METHOD FOR TREATMENT OF SLE  
Oklahoma Medical Research Foundation, a Corporation  
 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
 2. ☐ an assignee of less than the entire right, title and interest.  
 The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

In the patent application/patent identified above by virtue of either:

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- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

May 14, 2001  
 Date

Larry Kennedy

Typed or printed name

Larry Kennedy  
 Signature

Director, Technology Transfer

Title

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**MESSAGE**

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